



UNITED STATES DEPARTMENT OF COMMERCE
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08/324,264

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/324,264 10/17/94 KALBERER

FELFE AND LYNCH
805 THIRD AVENUE
NEW YORK NY 10022

33M1/0423

EXAMINER

ISABELLA D	
ART UNIT	PAPER NUMBER

3308
DATE MAILED:

04/23/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to ^{telephone} communication filed on 4-18-96 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-4, 6-8 are pending in the application.

Of the above, claims 6, 7 are withdrawn from consideration.

2. ☒ Claims 5 ^{has} ~~have~~ been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-4 and 8 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 3308

Withdrawal of Final Action

Pursuant to telephone interview with applicant's representative, applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-4 and 8 are rejected under 35 U.S.C. § 103 as being unpatentable over Noiles, et al in view of any of Creamascoli, Lewis, et al and Huebner.

The primary reference discloses each element of the invention as claimed except for the ceramic insert. Each of the secondary references teach substantial functional equivalents among the various material used in making the insert. There are known benefits in the use

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of a ceramic liner including low frictional surface, low heat generation and low wear. To replace the liner of Noiles with a ceramic liner for the known benefits, as outlined supra, would have been obvious to one with ordinary skill in the art from the teachings of the secondary references.

Any inquiry concerning this communication should be directed to DAVID J ISABELLA at telephone number (703)308-3060.



DAVID J ISABELLA
PRIMARY EXAMINER

DJI
April 19, 1996